

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WENDY McKEOWN,

Plaintiff,

v.

Case No. 05-73244  
Hon. Sean F. Cox

DEPUTY PETER HAIRSTON,

Defendant.

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**ORDER**

This matter is before the Court on Defendant's Motion for reconsideration. Both parties have briefed the issue. For the following reasons, Defendant's Motion for reconsideration is **DENIED**.

This action arises out of Plaintiff's allegations of mistreatment from Defendant, Deputy Peter Hairston, during the arrest of another individual. The underlying facts are sufficiently set forth in this Court's Order granting Defendant's motion for judgment on the pleadings or for summary judgment entered June 15, 2007. [Doc. 43].

The Court granted Defendant's Motion with respect to Plaintiff's 42 U.S.C. § 1983 claims, but did not rule on Plaintiff's state law claims because neither party moved for summary judgment. Likewise, because the parties did not move for judgment, the issues were not briefed and evidence was not provided as to the state law claims.

On June 29, 2007, Defendant filed the instant Motion for reconsideration. However, Defendant does not seek reconsideration. Defendant asks the Court to apply the ruling from the

Order to Plaintiff's state law claims. In the alternative, even though the time for dispositive motions has passed and Defendant offers no reason why he did not move for judgment as to all of Plaintiff's claims in his original motion, Defendant asks the Court to allow a new dispositive motion to be filed. The motion cutoff date was January 29, 2007. [Doc. 16]. Defendant is on the July/August trailing trial docket.

First, a motion for reconsideration is not the proper forum for the relief Defendant requests. Second, the Court declines to allow Defendant the opportunity to file new dispositive motion on the eve of trial. Defendant does not offer any reason why he did not move for judgment of Plaintiff's state law claims at an earlier date; and did not seek additional time to file dispositive motions at an earlier date.

Additionally, Defendant argues that because the Court dismissed Plaintiff's only federal claim, the Court is without subject matter jurisdiction. However, the Court was clear in its Order granting Defendant's motion for judgment that the Court would continue to exercise supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367. [Doc. 43, p.10]. Accordingly, this argument is unavailing.

Defendant's Motion for reconsideration is **DENIED**.

**IT IS SO ORDERED.**

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

**Dated: July 19, 2007**

**I hereby certify that a copy of the foregoing document was served upon counsel of record on July 19, 2007, by electronic and/or ordinary mail.**

S/Jennifer Hernandez  
Case Manager